



ITW/1626

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UNDER 37 CFR 1.8(a)**

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26 AUGUST 2009
HUESCHEN AND SAGE

G. D'Amato SAGE
Dated: 26 AUGUST 2009

IN THE UNITED STATES PATENT OFFICE

Applicants : Patrick WUTHRICH, Herve ROLLAND, and Marc JULIEN

Application No: 10/502,479

Filed : 23 July 2004

Title : ORODISPERSIBLE PHARMACEUTICAL COMPOSITION
COMPRISING PERINDOPRIL

Art Unit : 1626

Examiner : Melissa S. MERCIER, Esq.

Docket No. : SERVIER 427 PCT US

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PO Box 1450
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SUPPLEMENTAL RESPONSE UNDER 37 CFR § 1.111 AND 1.115

In response to the Office Communication of 13 August 2009, the applicant acknowledges the Office gracious invitation to more comprehensively respond to the provisional non-statutory obviousness-type double patenting rejections in view of copending US application Serial Nos. 10/502,593 and 10/502,594, as

well as the non-statutory obviousness-type double patenting rejection in view of US Patent No. 7,201,922.

The applicant observes that, in each instance, the Office acknowledges that the solid orodispersible composition disclosed differs from that claimed for describing a distinct active agent. As the different active agents exhibit distinct pharmacological activity, as well as side-effect and interaction profiles, it is submitted that the respective teachings are distinct in their own right and that one of ordinary skill in the art may not be expected to rely with any degree of certainty on such prior teaching in optimizing a formulation as described and claimed in the instant application. Reconsideration and withdrawal of such non-statutory obviousness-type double patenting rejections in view of the cited art are respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

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